

**KENTUCKY BOARD OF EDUCATION
JANUARY 7, 2009 SPECIAL MEETING
STATE BOARD ROOM
FIRST FLOOR, CAPITAL PLAZA TOWER
FRANKFORT, KY**

SUMMARY MINUTES

Wednesday, January 7, 2009

The Kentucky Board of Education met on January 7, 2009, for a special meeting in the State Board Room, First Floor, Capital Plaza Tower, Frankfort, KY and conducted the following business:

CALL TO ORDER

Chair Joe Brothers called the meeting to order at 1:03 p.m. local time and asked that all cell phones be muted. He reminded the board that the meeting was being broadcasted over the Internet. Brothers then asked for the roll to be called.

ROLL CALL

Present for the meeting were C.B. Akins, Kaye Baird, Joe Brothers, Dorie Combs, Billy Harper, Doug Hubbard, Austin Moss, Steve Neal, and Brigitte Ramsey. Jeanne Ferguson and Judy Gibbons joined the meeting at 1:05 p.m. Absent was Richard Crofts.

CLOSED SESSION TO DISCUSS PERSONNEL

Steve Neal then moved to enter into closed session to discuss personnel pursuant to KRS 61.810 (1) (f) "dismissal" and Kaye Baird seconded the motion. The motion carried.

The board came out of closed session on a motion by Kaye Baird and a second by C.B. Akins. The motion carried.

***CONSIDERATION OF A MOTION TO ACCCEPT THE RESIGNATION OF
COMMISSIONER JON E. DRAUD***

At this point, Steve Neal moved to accept the resignation of Commissioner Jon E. Draud and waive the 90-day clause in his contract. Kaye Baird seconded the motion and it carried.

***DISCUSSION OF THE STEPS TO FOLLOW IN FILLING THE POSITION OF
COMMISSIONER***

Chair Brothers inquired with members to see if they desired to conduct a nationwide search to fill the commissioner's position. The following comments were shared.

- Both Dorie Combs and Judy Gibbons expressed the need to do a nationwide search and to employ a search firm.
- Doug Hubbard pointed out that the board could go back to the finalists that were previously considered and see if any of them would still be interested. He noted that three were considered who were highly qualified.
- Steve Neal felt it was time for a new beginning because the children of Kentucky deserve the board's attempt to find the best person from whatever the location. He also noted he thought a search firm should be employed.
- Billy Harper said he agreed with Neal that the board has to look for the best person because it is a tough job in tough times.
- Brigitte Ramsey supported a national search using a search firm.
- C.B. Akins indicated he agreed the search should be opened up nationally. He stated that qualified people exist in Kentucky but felt they should compete with others from other parts of the country with the assistance of a qualified search firm.
- Doug Hubbard said he would be open to the option of the national search by a search firm but just wanted to bring up the other option for consideration.
- Austin Moss asked if NASBE and KSBA are considered search firms.
- Joe Brothers replied affirmatively and explained that an RFP would have to be issued where companies such as these can bid.
- Dorie Combs added that if the board does not like any of the proposals that are submitted, then it does not have to accept them.
- General Counsel Kevin Brown commented that if needed, the deadline for responding to the RFP can be extended.
- C.B. Akins said he would like to have a new commissioner in place by July 1.
- Billy Harper shared that the board needs to come up with the criteria for the position because that will save time on the back end.

It was decided via consensus that the criteria for the next commissioner would be developed at the February board meeting using the previous list as a starting point. Also, the board agreed to pursue a nationwide search using a search firm. Staff was asked to send the board the previous RFP done for the commissioner's search to give them an idea what was expected of the search firm. Additionally, staff was to proceed with drafting the new RFP using the previous one as a basis, circulate it to the board for comment and get it issued prior to the February board meeting, if possible. Associate Commissioner Greg Rush was asked to develop a timeline for the RFP process and include that for the board's review along with the RFP document. The board expressed a desire to possibly review the proposals or even hear presentations from search firms as part of their March 4 meeting at the Kentucky School for the Blind.

The board then moved on to discuss whether to use a subcommittee of the board as a screening committee or use the full board in the selection process. The following comments were shared:

- Doug Hubbard and Jeanne Ferguson both expressed their desire for the full board to be involved to the extent it wants to be.

- Dorie Combs felt that all members should look at all applicants but said a subcommittee would be more efficient and less expensive. She commented that all members would be welcome to attend the meetings.
- C.B. Akins, Steve Neal, Judy Gibbons, Kaye Baird, and Brigitte Ramsey all agreed with Dorie Combs.
- Billy Harper stated he was fine with a subcommittee as long as the board identifies a set of criteria on which it can agree.
- Joe Brothers noted that six members make a quorum of the board so the subcommittee would have to consist of five members appointed by the chair.

Joe Brothers then moved on to ask if the board wants to appoint an interim and the consensus was yes.

Austin Moss then asked to speak and pointed out that the board needs to do what is best for children and seems to make better decisions when it uses an inclusive approach. He explained that he could support either the use of a subcommittee or the full board to conduct the commissioner's search but expressed concern about everyone having equal input. Moss emphasized that he desires for the board to function at an optimum level during the search process and felt that the issue of full board versus a committee becomes a divisive point. He challenged the members to consider whether it could conduct the search as a full board because it gets the group operating as a unified body. Moss asked to repoll the board to see if the search could be conducted as a team.

At this point, Austin Moss moved to use the full board to choose the search firm and do the screening. Doug Hubbard seconded the motion and it carried.

CLOSED SESSION TO DISCUSS PERSONNEL

Steve Neal moved to enter into closed session pursuant to KRS 61.810 (1) (f) "appointment" and Brigitte Ramsey seconded the motion. The motion carried.

The board came out of closed session on a motion Dorie Combs and a second by C.B. Akins. The motion carried.

CONSIDERATION OF A MOTION TO APPOINT AN INTERIM COMMISSIONER

Prior to acting on the interim commissioner, C.B. Akins moved to approve the change of Commissioner Draud's retirement date from February 6 to February 1. Billy Harper seconded the motion and it carried.

Next, Dorie Combs moved to appoint Elaine Farris as interim commissioner effective February 1, 2009, and as overlapping commissioner beginning January 8 and continuing through January 31, 2009, with an annual salary of \$175,000. Austin Moss seconded the motion and it carried.

Dorie Combs clarified that the board wanted to clarify that the role of the interim was discussed with Ms. Farris and said she understood she would not be a candidate for the permanent commissioner.

At this point it was necessary to go back and consider a motion to accept Commissioner Jon E. Draud's revised resignation letter with a date of January 31, 2009, and rescind the original February 6, 2009, date. Kaye Baird so moved and Brigitte Ramsey seconded the motion. The motion carried.

DISCUSSION AND CONSIDERATION OF A MOTION TO APPROVE KDE'S 2% BUDGET REDUCTION PROPOSAL

Associate Commissioners Greg Rush and Jamie Spugnardi came forward for this discussion. It was pointed out that the handouts for this agenda item could be found in the meeting folders.

Associate Commissioner Rush began by saying the handouts are consistent with the plan submitted to the Governor's office last week and noted the board had also received a copy of the plan at that time. He stated the administration reduction at KDE equals \$984,000 and the remainder of the reduction is recommended to come from textbook funds. Rush noted KDE staff believes this approach gives the districts the most flexibility.

Brigitte Ramsey asked what was meant by flexibility since the textbook cycle would be frozen.

Commissioner Draud replied that this approach will have the least impact on instruction in districts.

Ramsey continued that she was pleased to see the cycle was frozen instead of cutting it completely like last time.

Associate Commissioner Rush went on to say there are some districts that have expended their textbook funds so they will have to go into the general fund or other sources to absorb the cut. He then shared that another proposal from KDE, regarding the December 31 date by which districts have to declare flex focus fund transfers, is to waive this requirement for this year and allow districts to move these funds through the end of the year to deal with a mid-year cut.

Steve Neal then commented that he is working under the assumption that kids would be better off if we did not have to make this cut.

Greg Rush agreed but said this proposal is the best of bad options.

Neal continued that making such a cut is taking a step backwards for kids.

Next, Brigitte Ramsey asked staff to explain why some of the language on the handout was contained strike throughs.

Rush replied that the language that had been eliminated to clarify that we are freezing the textbook cycle but will still go forward with the math adoption giving districts two years to make their purchases.

Associate Commissioner Jamie Spugnardi then added that the math list is ready and available on KDE's website. She reminded the board that the state does not provide dollars for the purchase of high school textbooks and only funds K-8 purchases. Spugnardi commented that districts will have two fiscal years in which to buy math textbooks and will have the flexibility of when it is best for them to actually make the purchase. She said that in FY 2011, the cycle would resume with practical living and clarified that the review takes place a year in advance of purchasing.

At this point, Jeanne Ferguson move approval of KDE's 2% budget reduction proposal and Steve Neal seconded the motion. The motion carried with Steve Neal voting no. Neal explained that his vote was symbolic indicating the legislature needs to allocate the revenue that the state needs so this cut does not have to be made.

ADJOURNMENT

Judy Gibbons moved to adjourn the meeting and Kaye Baird seconded the motion. The motion carried.